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DATE: February 9, 2004 FILE #: 139881

RECIPIENT(S)	PHONE	FAX
Examiner Habte, Kahsay		703 872 9306

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Serial No.: 10/071,978

Attachments Transmittal Form (1 page)
 Fee Transmittal Form (1 page)
 Response (____ pgs.)

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TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number 10/071,978	Filing Date February 6, 2002
First Named Inventor Eric E. Swayze	
Art Unit 1624	
Examiner Name Kahsay Habte, Ph.D.	
Total Number of Pages In This Submission 23 Attorney Docket Number IBIS055-100/IBIS0403	

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kenneth H. Tarbet/43,181
Signature	
Date	February 9, 2004

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Typed or printed name	Kenneth H. Tarbet/43,181	Date	February 9, 2004
Signature			

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

<i>Complete if Known</i>	
Application Number	10/071,978
Filing Date	February 6, 2002
First Named Inventor	Eric E. Swayze
Examiner Name	Kansay Hable, Ph.D.
Art Unit	1624
Attorney Docket No.	IBIS0055-1007/IBIS-0403

METHOD OF PAYMENT (check all that apply)

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Deposit Account:

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Deposit Account Name Cozen O'Connor, P.C.

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity
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Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 280	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	- 20 **	=	190	X	18	=	
Independent Claims	7	- 3 **	= 4	X	88	=	
Multiple Dependent	0	0	0	X	0	=	0

Large Entity	Small Entity
--------------	--------------

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid ** Release independent claims over original patent	
1204 84	2204 42	** Release claims in excess of 20 and over original patent	
1205 18	2205 9		

SUBTOTAL (2) (\$)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 55	Surcharge - late filing fee or oath			
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet			
1053 130	1053 130	Non-English specification			
1812 2,520	1812 2,520	For filing a request for ex parte reexamination			
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action			
1805 1,840*	1805 1,810*	Requesting publication of SIR after Examiner action			
1251 110	2251 55	Extension for reply within first month			
1252 410	2252 205	Extension for reply within second month			
1253 930	2253 455	Extension for reply within third month			
1254 1,450	2254 725	Extension for reply within fourth month			
1255 1,970	2255 985	Extension for reply within fifth month			
1401 320	2401 160	Notice of Appeal			
1402 320	2402 160	Filing a brief in support of an appeal			
1403 280	2403 140	Request for oral hearing			
1451 1,510	1451 1,510	Petition to institute a public use proceeding			
1452 110	2452 55	Petition to revive - unavoidable			
1453 1,300	2453 850	Petition to revive - unintentional			
1501 1,300	2501 660	Utility issue fee (or release)			
1502 470	2502 235	Design issue fee			
1503 630	2503 315	Plant issue fee			
1460 130	1460 130	Petitions to the Commissioner			
1807 50	1807 50	Processing fee under 37 CFR 1.17 (q)			
1808 180	1808 180	Submission of Information Disclosure Stmt			
8021 40	8021 40	According each patent assignment per property (times number of properties)			
1809 760	2809 375	Filing a submission after final rejection (37 CFR § 1.129(a))			
1010 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))			
1801 750	2801 375	Request for Continued Examination (RCE)			
1802 900	1802 900	Request for expedited examination of a design application			

Other fee (specify): 2 Month Extension of Time already paid

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

SUBMITTED BY

Complete if applicable

Name (Print/Type)	Kenneth H. Tarbet	Registration No. Attorney/Agent)	43.181	Telephone	619-234-1700
Signature	<i>Kenneth H. Tarbet</i>				

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Feb-09-04 11:59am From-COZEN O'CONNOR

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T-341 P.004/024 F-787

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DOCKET NO.: IBIS-0403(IBIS0055-100)

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Serial No.: 10/071,978

FEB 09 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Eric E. Swayze, et al.

Serial No.: 10/071,978

Group Art Unit: 1624

Filed: 02/06/2002

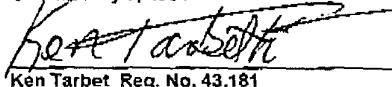
Examiner: Habte, Kahsay

Title: NOVEL BENZIMIDAZOLE COMPOUNDS

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On February 9, 2004



Ken Tarbet Reg. No. 43,181

BOX AF
Commissioner for patents
PO BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

AMENDMENT AND REQUEST FOR RECONSIDERATION

In response to the Office Action mailed January 28, 2004 in connection with the above-identified patent application, Applicants respectfully request that the application be amended as follows. As a preliminary matter, Applicant is grateful to the Examiner for providing guidance and assistance through the telephonic interview of February 6, 2004.

Amendments to the Claims are reflected in the listing of claims which begins on page 3.

Feb-09-04 11:59am From-COZEN O'CONNOR

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T-341 P.005/024 F-787

DOCKET NO.: IBIS-0403(1BIS0055-100)
SERIAL NO.: 10/071,978

PATENT
FILED:02/06/2002

Remarks/Arguments begin on page 20 of this paper.